

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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SONIA KIRKLAND and DARRELL KIRKLAND,

Plaintiffs,

Case No. 00-41065

-against-

SKATE NATION, INC., THE SOUTH STREET
SEAPORT CORPORATION, SEAPORT
MARKETPLACE, INC. and THE CITY OF
NEW YORK,

**AFFIRMATION
IN PARTIAL
OPPOSITION**

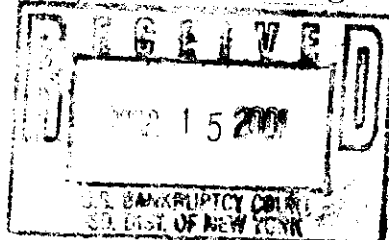
Defendant/s.
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SALVATORE J. CALABRESE, ESQ., an attorney duly licensed to practice law in the Courts of the State of New York and the Federal Courts for the Southern District of New York, affirms the following to be true under penalty of perjury:

1. I am a member of the firm of CALABRESE & CALABRESE, LLP, attorneys for the defendants herein, and as such I am fully familiar with the facts and circumstances herein.

2. I submit this affirmation in partial opposition to the motion of the plaintiff which seeks a vacature of the bankruptcy stay imposed upon this matter in accordance with 11 U.S.C.A. §362 (d) and Bankruptcy Rule 4001.

3. This office has no opposition to the application of the plaintiff so long as it is clear that the plaintiff will receive no more than the available insurance through the defendant, SKATE NATION, INC. The Court should note that this office now represents all defendants, including the City of New York, in accordance with an indemnification provision in a written agreement between Skate Nation and other entities. Accordingly, any liability found to exist against any party defendant



will be passed through to Skate Nation, Inc. and plaintiff should be limited in any recovery to the insurance coverage available to Skate Nation, Inc.

4. Subject to the foregoing, the defendants have no opposition to plaintiff's application.

WHEREFORE, any Order vacating the stay herein should limit plaintiff's recovery to the insurance coverage available to defendant, SKATE NATION, INC.

DATED: White Plains, New York.
March 13, 2001



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TO:
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STATE OF NEW YORK)
COUNTY OF WESTCHESTER)

ANGELA M. LIGUORI, being duly sworn, deposes and says that deponent is not a party to the action, is over eighteen years of age and resides in Westchester County. On March 13, 2001, deponent served the within **AFFIDAVIT IN PARTIAL OPPOSITION** by mailing a true copy in a postpaid wrapper in a post office box maintained by the United States Postal Service at White Plains, New York, directed to them at the addresses shown below:

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New York, NY 10004

Angela M. Liguori
ANGELA M. LIGUORI

SWORN to before me, this
13th day of March, 2001.

ScyR

Notary Public

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